



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Second Regular Session

10:00 A.M.

TUESDAY, February 28, 1995

The Senate met.

The Senate was called to order by Senator Brian Rude, President of the Senate.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 84

Relating to: substitution of judges in criminal cases.

By Senators Leean, A. Lasee, Cowles, Zien, Darling and Fitzgerald; cosponsored by Representatives Goetsch, Ryba, Porter, Dobyms, Owens, Olsen, Otte, Zukowski, Ziegelbauer, Lehman, Hahn, Musser, Schneiders, Ainsworth, Kaufert, Seratti, Krusick, Ladwig, Nass, Ott, Vrakas, Freese, Gunderson, Brandemuehl and Walker.

To committee on **Judiciary**.

#### Senate Bill 85

Relating to: the regulation of firearms by cities, villages, towns and counties.

By Senators A. Lasee, Drzewiecki, Zien, Moen, Andrea, Breske, Rude, Schultz and Fitzgerald; cosponsored by Representatives Johnsrud, Porter, Gard, Hahn, Lehman, Dobyms, Freese, Kaufert, Otte, Ladwig, Hoven, Kreibich, Musser, Duff, Coleman, Goetsch, Green, Silbaugh, F. Lasee, Nass, Hasenohrl, Springer, Handrick, Harsdorf, Gunderson, Olsen, Brandemuehl, Meyer, Jensen, Skindrud, Owens, Wood, Ziegelbauer and Seratti.

To committee on **State Government Operations and Corrections**.

#### Senate Bill 86

Relating to: increasing a school district's revenue limit by the amount spent for school security measures

By Senators Jauch, Burke and C. Potter; cosponsored by Representatives Black, Gronemus, Morris–Tatum, Turner, Ryba, Grobschmidt and Boyle.

To committee on **Education and Financial Institutions**.

#### Senate Bill 87

Relating to: the labeling of certain gasoline.

By Senators Panzer, Cowles, Farrow, Andrea, Rosenzweig, Plewa, A. Lasee, Buettner, Schultz, Burke, Drzewiecki and Darling; cosponsored by Representatives Duff, Hoven, Bock, Jensen, Notestein, Albers, Grothman, Wasserman, Lehman, La Fave, Lazich, Bell, Nass, Riley, Porter, Plache, Urban, Krug, Gunderson, Krusick, Walker, Grobschmidt, Ladwig, Wirsch,

Vrakas, Ziegelbauer, Cullen, Coggs, Klusman, Dobyms, Musser, Seratti, Morris–Tatum, Wood, Black, R. Potter, Kreuser, Turner, L. Young and Carpenter.

To committee on **Environment and Energy**.

### REPORT OF COMMITTEES

The committee on **Judiciary** reports and recommends:

#### Senate Bill 11

Relating to: comparative negligence and punitive damages.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Huelsman, Petak, Drzewiecki and Darling.

Noes, 3 – Senators Risser, Adelman and Burke.

Passage as amended.

Ayes, 4 – Senators Huelsman, Petak, Drzewiecki and Darling.

Noes, 3 – Senators Risser, Adelman and Burke.

Joanne Huelsman  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### Senate Petition 1

A petition by 2,332 residents of the state of Wisconsin requesting the removal of Kewaunee County from the EPA mandate, forcing the exclusive use of RFG gasoline through out county,

By Senator A. Lasee.

To committee on **Environment and Energy**.

#### State of Wisconsin Ethics Board

February 21, 1995

The Honorable, The Senate/Legislature:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

**Organizations recently registered:**

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

**Accountants, Inc, Wisconsin Assn of**

Subjects: To make sure we are able to practice and call ourselves Accountants in the State of Wisconsin.

Froehlke, Scott

**Alamo Rent-a-Car, Inc**

Subjects: All areas of state government which may impact on the rental car industry.

Froehlke, Scott

**Ameritech Mobile Communications**

Subjects: Any matter affecting the company in any way by any state agency or the legislature.

Broydrick, Bill  
Broydrick, Cynthia  
Fitzgerald, Moira  
Richard, JoAnna

**Athletic Trainers Assn, Inc. , Wisconsin**

Subjects: We plan to carry out discussions with the Department of Regulation and Licensing. We also plan to meet with members of the Health, Human Services and Aging Committee.

Theo, Peter J.

**Automatic Merchandising Council, Wisconsin**

Subjects: Matters affecting food vending, taxes, license fees, nutrition, labeling, labor and employment, recycling, etc.

Driessen, Anthony  
Theo, Peter

**Career Employees, Assn of (ACE)☒\***

Subjects: State laws and rules affecting civil service, pay and benefit issues affecting State of Wisconsin career employees.

Davies, Wynn

**Cerebral Palsy of Wisconsin, United**

Subjects: Funding and disabilities issues including, but not limited to, information technology, transportation and education.

Blumenfeld, Michael H.

**Child Support Enforcement Assn, Wisconsin**

Subjects: Legislation and rules in the areas of child support and welfare reform.

Blumenfeld, Michael H.

**CIBA Crop Protection (formerly CIBA—GEIGY Agriculture Division)**

Subjects: Monitor state legislation and administrative rules dealing with agriculture and environmental conservation.

Vaughan, Michael

**Dental Hygienists Assn, Wisconsin**

Subjects: Any issues relating to the practice of dental hygiene.

Broydrick, Cynthia  
Intrater, Michelle  
Richard, JoAnna

**Dental Management Services, Inc**

Subjects: Any matter affecting the company in any way by any state agency or the legislature.

Broydrick, Bill

**Educational Media Assn, Wisconsin**

Subjects: All-volunteer organization is especially concerned with legislative issues related to library services: the common school fund, the educational communications board, funding for technological innovation, & support of other funding and access legislation and study committees.

Blumenfeld, Michael H.

**Forest County Potawatomi**

Subjects: Any matter affecting the Forest County Potawatomi community in any way by any state agency or the legislature.

Peterson, Craig  
Rice, Joseph

**Froedtert Memorial Lutheran Hospital**

Subjects: Health care reform/academic medical centers; Capital Expenditure Review; Medicaid and General Relief Funding; Organ procurement/transplants; Hospital Cost Index

Hottenroth, Theresa

**Green Lake Sanitary District**

Subjects: Sanitation, water quality, solid waste disposal, regulation and management of private sewage systems.

O'Connor, William

**GTECH Corp**

Subjects: Lottery and gaming related bills and issues related to EBT.

Gerrard, William

**H.A.H. Enterprises, Inc**

Subjects: Any function or activity pertaining to the pari-mutuel industry; gaming; lottery; taxation; environment; employment; advertising; and other applicable issues.

Brozek, Michael

**Herd Management Coop, Wisconsin**

Subjects: The herd management co-op is interested in passing legislation broadening the definition of individuals who can legally pregnancy-test cows.

Froehlke, Scott

**Insurance Assn, American**

Subjects: Insurance, civil liability, environmental repair, business regulation and taxation and areas affecting insurance underwriting.

Vaughan, Michael R.

**Interior Design Coalition of Wisconsin**

Subjects: Regulation of the title 'Registered Interior Designer'.

Hilbert, Lisa

**Jacobson Group Limited Partnership, The**

Subjects: Legislation to clarify taxation of time share unit sales. Legislation to expand gambling to include video poker machines and off reservation Indian gaming.

Remsik, Jeffrey

**Labor Assn of Wisconsin, Inc**

Subjects: All matters relating to law enforcement/public employees and labor relations legislation and collective bargaining laws.

Broydrick, Bill

**Lakes, Inc, Wisconsin Assn of**

Subjects: Water resources management, surface water regulation, boating, recreational boating programs, taxation finance, local government and environment, waterbody and ecosystem protection.

O'Connor, William

**Landscape Federation, Wisconsin**

Subjects: Pesticide regulations and small business issues.

Christianson, Peter C.

Phillips, Joe

Theo, Peter

**Madison, City of--Office of the Mayor**

Subjects: Any subjects pertaining to municipal government and state tax policy.

O'Keefe, James

**Marine Manufacturers Assn, National**

Subjects: Boating, marine manufacturing, agriculture, employment, taxation, outdoors or environment, regulation of business, finance or insurance.

Brozek, Michael

**Mechanical Contractors Assn of Wisconsin**

Subjects: Labor, environment and all matters pertaining to the construction industry.

Cook, Sharon

Mitchell, Brian

**Milk Haulers Assn, Wisconsin**

Subjects: All areas of state government which may impact on the milk hauling industry.

Froehlke, Scott

**Newspaper Assn, Wisconsin**

Subjects: We expect to be active in issues of open government records and meetings, and individual privacy. Sales taxes, newsprint recycling and regulations on electronic distribution of information will also draw our attention.

Christianson, Peter

Theo, Peter

Yorgason, J. LeRoy

**Park and Recreation Assn, Wisconsin**

Subjects: Administrative Code changes for American with Disabilities Act, swimming pools, recreational land immunity, State Health Plan for Year 2000, Injury Prevention, Physicians Immunity at Athletic Events, Stewardship Program Implementation.

Swandby, Janet

**Railway Progress Institute**

Subjects: Taxation of railroad property including railroad freight cars.

O'Connor, Alice

**Schneider Communications**

Subjects: All areas that may affect the telecommunications industry in Wisconsin.

Krajewski, Thomas

Schreiber, Martin

**School Counselors Assn, Wisconsin**

Subjects: All areas affecting school counselors including initiative impacting on school violence.

Gerlach, Chet

**Serigraph, Inc**

Subjects: Environmental regulation

Ravn, J. Thomas

**Women Voters, League of**

Subjects: Takings, transportation, capital punishment, property tax shifting, health care, campaign finance reform, natural resources, gun control, Welfare reform, administration of justice, women's issues and urban policy.

Dercks, Rosemarie

**Organization's authorization of additional lobbyists:**

The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**Metropolitan Milwaukee Assn of Commerce**

Hilbert, Lisa  
Sheehy, Timothy  
Tenuta, James

**Power and Light Co, Wisconsin**

Scholz, Brandon

**Organization's termination of lobbyists:**

Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Apple Computer**

Klauser, David 2/9/95

**Power and Light Co, Wisconsin**

Truehl, Scott 2/8/95

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
R. ROTH JUDD  
Executive Director

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
--	--	-------------------------

1995 Senate Joint <b>Resolution 1</b>	<b>Enrolled Joint Resolution, 1</b>	N/A
1995 Senate Joint <b>Resolution 3</b>	<b>Enrolled Joint Resolution, 2</b>	March 7, 1995

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Wisconsin Legislative Council Staff**

February 28, 1995

The Honorable, The Senate:

Enclosed is a copy of the 1994 Annual Report on the Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. 227.15 (5), Stats. Copies have been distributed to the offices of each member of the Legislature.

The Report covers the 15th full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,  
DAVID J. STUTE  
Director

**State of Wisconsin  
Senator Michael Ellis**

February 24, 1995

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointment to a Senate Committee:

To the **Board on Hunger**; Senator Alberta Darling;

With regards to members of the minority party, the appointments reflect recommendations of that caucus.

Sincerely,  
MICHAEL ELLIS  
Senate Majority Leader

**State of Wisconsin  
Department of Administration**

February 22, 1995

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purposes of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and others state agencies (Wis. Stats. 16. 548 (2)).

The report for the period October 1, 1994 through December 31, 1994 is attached.

Sincerely,  
JAMES R. KLAUSER  
Secretary

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

January 26, 1995

To the Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint **PETERSEN, JEFFREY M.**, of Waupaca, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 1999.

Respectfully,

**TOMMY THOMPSON**  
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 93-176**

Relating to drainage districts.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, February 23, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, February 28, 1995.

**Senate Clearinghouse Rule 94-221**

Relating to the certification and regulation of dietitians.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 24, 1995.

Referred to committee on **Business, Economic Development and Urban Affairs**, February 28, 1995.

The Committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 94-167**

relating to equal opportunities in employment.

No action taken.

David Zien  
Chairperson

**State of Wisconsin  
Revisor of Statutes Bureau**

March 1, 1995

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
92-173	March 1, 1995
94- 70	March 1, 1995
94- 88	March 1, 1995
94- 91	March 1, 1995
94- 94	March 1, 1995
94-104	March 1, 1995
94-105	March 1, 1995
94-120	March 1, 1995

94-123	March 1, 1995
94-129	March 1, 1995
94-130	March 1, 1995
94-147	March 1, 1995
94-155	March 1, 1995
94-159	March 1, 1995

Sincerely,  
**GARY L. POULSON**  
Deputy Revisor

**ADJOURNMENT**

Senator Rude, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Wednesday, March 1.

Adjourned.

10:01 A.M.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1995 SENATE BILL 26**

Prepared by the Legislative Reference Bureau  
(February 24, 1995)

**1.** Page 4, line 14: substitute "disbursements" for "expenditures".

**2.** Page 5, line 18: on lines 18 and 23, substitute "disbursements" for "expenditures".

**3.** Page 6, line 6: substitute "disbursements" for "expenditures".

**4.** Page 6, line 20: on lines 20 and 22, substitute "disbursement" for "expenditure".

**5.** Page 7, line 1: on lines 1 and 19, substitute "disbursement" for "expenditure".

**6.** Page 7, line 11: substitute "disbursements" for "expenditures".

**7.** Page 8, line 2: on lines 2, 5 and 18, substitute "disbursement" for "expenditure".

**8.** Page 9, line 2: substitute "disbursements" for "expenditures".

**9.** Page 9, line 20: on lines 20 and 23, substitute "disbursement" for "expenditure".

**10.** Page 10, line 5: substitute "disbursement" for "expenditure".

**11.** Page 11, line 7: on lines 7 and 8 and 24, substitute "disbursements" for "expenditures".

**12.** Page 11, line 17: on lines 17 and 19, substitute "disbursements" for "expenditures".

**13.** Page 11, line 22: substitute "DISBURSEMENT" for "EXPENDITURE".

**14.** Page 12, line 7: on lines 7, 16 and 22, substitute "disbursement" for "expenditure".

**15.** Page 13, line 21: substitute "disbursement" for "expenditure".

**16.** Page 14, line 21: on lines 21 and 25, substitute "disbursement" for "expenditure".

**17.** Page 15, line 17: substitute "disbursement" for "expenditure".

**18.** Page 16, line 7: on lines 7 and 9, substitute "disbursement" for "expenditure".

19. Page 19, line 12: substitute "disbursement" for "expenditure".

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE  
AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 7**

Prepared by the Legislative Reference Bureau  
(February 22, 1995)

In engrossing, the following correction was made:

1. Page 1, line 7: before "segregated" insert a quotation mark.

**Motions Under Senate Rule 98  
for January 1995**

A certificate of commendation by Senator Chvala for the Stoughton Veteran's of Foreign Wars Post 328 on the occasion of being founded seventy five years ago.

A certificate of congratulations by Senator Breske for Charles J. Mikalauski, Jr. on the occasion of being awarded the Eagle Scout Award.

A certificate of commendation by Senator Schultz for Charles (Chuck) Bickford on the occasion of 16 years of dedicated service to Bickford Inc. and to wish him well on his retirement,

A certificate of congratulations by Senator Breske for Charles Crofoot on the occasion of retiring after 30 years of dedicated service to the County of Oneida.

A certificate of congratulations by Senator Moen for Andrew Horejsi on the occasion of earning his Eagle Scout Award.

A certificate of commendation by Senator Petak for Christopher T. Czerniak on the occasion of attaining the rank of Eagle Scout.

A certificate of congratulation by Senator Plewa for Jeremy J. Budda on the occasion of attaining the rank of Eagle Scout.

A certificate of congratulation by Senator Clausing for Benjamin Stern on the occasion of attaining the rank of Eagle Scout.

A certificate of congratulation by Senator Cowles for Joe and Terry Van Deurzen on the occasion of being selected as "The Outstanding Restaurateur of the Year".

A certificate of congratulation by Senator Cowles for Matthew Diedrich on the occasion of attaining the rank of Eagle Scout.

A certificate of congratulation by Senator Cowles for Scot Motquin on the occasion of on attaining the rank of Eagle Scout.

A certificate of congratulation by Senator Cowles for Matthew Cowan on the occasion of attaining the rank of Eagle Scout.

A certificate of commendation by Senator Chvala for The Prairie Riders Snowmobile Club on the occasion of organizing recreational snowmobiling.

A certificate of congratulation by Senator Andrea for Frank Stella on the occasion of his 90th Birthday.

A certificate of commendation by Senator Darling for Linda Oakes on the occasion of her extraordinary efforts and accomplishments for education.

A certificate of congratulation by Senator Ellis for Danny Ornstein on the occasion of being the Chairman of the "Red Smith" Banquet for the the past 19 years and one of the original founders.

A certificate of commendation by Senator Weeden for Robert Hurley on the occasion of his retirement and his valued years of service to Beloit.

A certificate of congratulation by Senator Rude for Helen Harsh on the occasion of her being named the National Ladies Auxiliary President to the Veterans of Foreign Wars.

A certificate of commendation by Senator Chvala for The McFarland High School Band on the occasion of their high level of artistic skills and achievements.

A certificate of congratulation by Senator Cowles for Mike Van Asten on the occasion of being selected "Outstanding Restaurant of the Year."

A certificate of commendation by Senator Farrow for Michael Weber on the occasion of attaining the rank of Eagle Scout.

A certificate of commendation by Senator Farrow for Michael E. Warren on the occasion of attaining the rank of Eagle Scout.

A certificate of commendation by Senator Huelsman for Dave and Kathy Godgluck on the occasion of being named Hartland Persons of the Year, and thank them for their contributions to the community.

A certificate of commendation by Senator Huelsman for Bob and Mary Duncan on the occasion of being named Delafield Persons of the Year, and thank them for their contributions to the community.

A certificate of commendation by Senator Huelsman for Dick and Jackie Gardner on the occasion of being named Nashotah Persons of the Year, and thank them for their contributions to the community.

A certificate of congratulation by Senator Rude for Mara Graven on the occasion of her new career and express appreciation for her work on behalf of the residents of the 32nd Senate District.

A certificate of commendation by Senator Darling for Martha Valerio on the occasion of receiving the Fifth Annual TEMPO Mentor Award.

A certificate of commendation by Senator Darling for Steve Laughlin on the occasion of receiving the Fifth Annual TEMPO Mentor Award.

A certificate of congratulation by Senator Rosenzweig for Catherine "Kiki" Warren on the occasion of the Allio's Italian American Eatery being named the Outstanding Restaurateur of the Year by the Milwaukee Chapter of the Wisconsin Restaurant Association.